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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,019	03/19/2004	Alfred I-Tsung Pan	200311298-1	7778

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FORT COLLINS, CO 80527-2400

EXAMINER
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STOREY, WILLIAM C

ART UNIT	PAPER NUMBER
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4115

MAIL DATE	DELIVERY MODE
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11/27/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/805,019	<b>Applicant(s)</b> PAN ET AL.	
	<b>Examiner</b> William C. Storey	<b>Art Unit</b> 4115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/19/04 6/2/05</u>  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 3, 6, 7, 17, 22, 24, and all others where it is found are objected to because of the following informalities: Change “the at least” to “at least.” Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

2. Claim 6 recites the limitation "wherein the label composer is operable to select at least one representative image before image data is stored in the memory of the portable data storage device received in the port." There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Niikawa et al. (US Patent 6992672), hereinafter referred to as Niikawa.

Regarding claim 1, Niikawa discloses a driving device and information processing device for a data storage medium. Niikawa discloses a memory card for a camera, which reads on claimed portable data storage device having a memory configured to store a collection of image data; that is insertable into a card slot, which

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reads on claimed port configured to receive; of a digital camera or computer, as disclosed in column 4, lines 31-34. Niikawa discloses the memory card having a memory section, which reads on claimed memory; and a display section made of a liquid crystal composition with a memory effect, which reads on claimed digital label including a plurality of display elements each capable of presenting one of at least two possible colors, as disclosed at column 4, lines 34-47. Niikawa discloses the digital camera, which reads on claimed label composer; having a user interface that allows a user to select an image from a group of images stored in memory, which reads on claimed operable to select at least one image in a collection of image data being stored in the memory of a portable data storage device received in the port as representative of the image data collection; as disclosed at column 15, lines 6-9 and column 20, lines 39-44. Niikawa discloses the digital camera changing the picture displayed on the memory card, as disclosed above at column 20, lines 39-44, which reads on claimed print module coupled to the port and the label composer and operable to selectively configure the display elements in the digital label of the portable data storage device received in the port to print at least one image respectively corresponding to the at least one representative image selected by the label composer. When the picture on the display of the memory card is changed, the printing capability changes the elements on the display to display the new picture chosen.

Regarding claim 2, Niikawa disclosed everything as applied above for claim 1. Niikawa discloses the display of the memory showing thumbnail reduced-resolution versions of higher resolution photos taken, which reads on label composer is operable

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to drive the print module to print a reduced-resolution image of a higher resolution image being stored in the memory of the portable data storage device received in the port; as disclosed at column 14, lines 61-64 and column 16, lines 23-24.

Regarding claim 3, Niikawa discloses everything as applied above for claim 1. Niikawa discloses that when going to a reproduction mode for viewing photographed images, the latest photographed image is displayed, which reads on claimed wherein the label composer selects at least one representative image based on time stamp data associated with the collection of image data being stored in the memory of a portable data storage device received in the port; as disclosed at column 14, lines 55-60 and 66-67 and column 15, lines 1-6.

Regarding claim 4, claim 4 is rejected upon the same reasoning as applied in claim 1.

Regarding claim 5, claim 5 is rejected upon the same reasoning as applied for claim 1.

Regarding claim 6, Niikawa discloses everything as applied above for claim 1. In addition, Niikawa discloses that when the button to take a picture is pressed the image is set as the image on the memory display. In addition, Niikawa discloses that when the digital camera detects that the memory card is not inserted, normal camera use will continue. Therefore, an image for photographing may be selected before the memory is placed in the camera, which reads on claimed the label composer is operable to select at least one representative image before image data is stored in the memory of the

portable data storage device received in the port; as disclosed at column 16, lines 20-24 and column 15, lines 40-43.

Regarding claim 7, claim 7 is rejected upon the same reasoning as applied for claim 1.

Regarding claim 8, Niikawa discloses everything as applied above for claim 1. Niikawa disclosed a digital camera with a CCD, which reads on claimed image sensor for capturing images received through the optical lens, and a zoom lens, which reads on claimed lens; as disclosed at column 11, lines 3-5.

Regarding claim 9, claim 9 is rejected upon the same reasoning as applied for claim 1. Changing a claim from an apparatus to a method does not make the claim patentably distinct. Selectively configure in claim 1 reads upon selectively orienting.

Regarding claim 10, claim 10 is rejected upon the same reasoning as applied for claim 2. Changing a claim from an apparatus to a method does not make the claim patentably distinct.

Regarding claim 11, claim 11 is rejected upon the same reasoning as applied for claim 3. Changing a claim from an apparatus to a method does not make the claim patentably distinct.

Regarding claim 12, claim 12 is rejected upon the same reasoning as applied for claim 4. Changing a claim from an apparatus to a method does not make the claim patentably distinct.

Regarding claim 13, claim 13 is rejected upon the same reasoning as applied for claim 5. Changing a claim from an apparatus to a method does not make the claim patentably distinct.

Regarding claim 14, claim 14 is rejected upon the same reasoning as claim 9.

Regarding claim 15, claim 15 is rejected upon the same reasoning as claim 10.

Regarding claim 16, claim 16 is rejected upon the same reasoning as claim 12.

Regarding claim 17, claim 17 is rejected upon the same reasoning as applied for claim 1. Changing a claim from an apparatus to another statutory category of invention does not make the claim patentably distinct. When a user selects an image from the user controls to be a "representative image," the image is oriented on the display of the memory and printed on thus, which reads on claimed selectively orient the display elements in the digital label of the portable data storage device to print at least one image respectively corresponding at least one selected representative image, as disclosed above.

Regarding claim 18, claim 18 is rejected upon the same reasoning as applied for claim 2. Changing a claim from an apparatus to another statutory category of invention does not make the claim patentably distinct.

Regarding claim 19, claim 19 is rejected upon the same reasoning as applied for claim 4. Changing a claim from an apparatus to another statutory category of invention does not make the claim patentably distinct.

Regarding claim 20, claim 20 is rejected upon the same reasoning as applied for claim 1 unless changed below. Digital label and other unmentioned features are read

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on from above. Changing a claim from an apparatus to another statutory category of invention does not make the claim patentably distinct. Niikawa discloses a memory card for a camera, which reads on claimed memory configured to store a collection of image data; that is insertable into a card slot, as disclosed in column 4, lines 31-34.

Niikawa discloses the digital camera, which reads on claimed label composer; having a user interface that allows a user to select an image from a group of images stored in memory, which reads on claimed operable to select at least one image in a collection of image data being stored in the memory of a portable data storage device received in the port as representative of the image data collection; as disclosed at column 15, lines 6-9 and column 20, lines 39-44. Niikawa discloses the digital camera changing the picture displayed on the memory card, as disclosed above at column 20, lines 39-44, which reads on claimed label adapter couple to the digital label and operable to selectively configure the display elements in the digital label to present at least one image corresponding to the representative image selected by the label composer. When the picture on the display of the memory card is changed, the label adapter sends commands that cause changes to the elements on the display to display the new picture chosen. The housing of the digital camera reads on claimed portable housing configured to plug into a port of an external device, the portable housing containing the memory and the label adapter, and having a surface supporting the digital label. Niikawa discloses a card room for the memory card, as disclosed in figure 25 and column 11, lines 63-65.



Regarding claim 21, Niikawa discloses everything as applied above for claim 20. Claim 21 is rejected upon the same reasoning as applied for claim 2. Changing a claim from an apparatus to another statutory category of invention does not make the claim patentably distinct.

Regarding claim 22, Niikawa discloses everything as applied above for claim 20. Claim 22 is rejected upon the same reasoning as applied for claim 3. Changing a claim from an apparatus to another statutory category of invention does not make the claim patentably distinct.

Regarding claim 23, Niikawa discloses everything as applied above for claim 22. Claim 23 is rejected upon the same reasoning as applied for claim 22. Changing a claim from an apparatus to another statutory category of invention does not make the claim patentably distinct.

Regarding claim 24, Niikawa discloses everything as applied above for claim 20. Claim 24 is rejected upon the same reasoning as applied for claim 20. Changing a claim from an apparatus to another statutory category of invention does not make the claim patentably distinct.

Regarding claim 25, Niikawa discloses everything as applied above for claim 24. Claim 25 is rejected upon the same reasoning as applied for claim 20. Changing a claim from an apparatus to another statutory category of invention does not make the claim patentably distinct.

Regarding claim 26, Niikawa discloses everything as applied above for claim 25. Claim 21 is rejected upon the same reasoning as applied for claim 24. Changing a

claim from an apparatus to another statutory category of invention does not make the claim patentably distinct.

Regarding claim 27, Niikawa discloses everything as applied above for claim 26. Claim 27 is rejected upon the same reasoning as applied for claim 4. Changing a claim from an apparatus to another statutory category of invention does not make the claim patentably distinct.

Regarding claim 28, Niikawa discloses everything as applied above for claim 27. Niikawa discloses being able to cycle through images that increase or decrease sequentially by a frame number, which corresponds to the order the photographs were taken, which reads on claimed wherein the sequence of images presented by the label adapter is order in accordance with time stamp data associated with the image data stored in the memory; as disclosed at column 14, 56-60 and column 15, lines 4-9.

Regarding claim 29, Niikawa discloses everything as applied above for claim 20. Claim 29 is rejected upon the same reasoning as applied above for claim 20.

Regarding claim 30, Niikawa discloses everything as applied above for claim 20. For the purposes of this claim, some redefining will be administered. Portable housing will refer to the housing of the memory card and the display on the memory card. Local adapter will refer to an internal driving section that allows the display to make a complete picture thereon, as disclosed at column 10, lines 24-31. Niikawa discloses an embodiment of the invention where driving device for the memory may be remotely connected to a printer, which reads on claimed label composer; as disclosed at column 24, lines 38-41. Niikawa discloses the memory card being inserted into a slot in a

printer, which reads on claimed external source comprising a housing configured to connect to the portable housing; as disclosed in figure 36 and column 24, lines 7-9. Niikawa discloses the printer having frame setting buttons and frame number indicator. As disclosed previously in this paper, a frame is another word for a picture on the memory device. These disclosures read on claimed label composer. It is inherent that a printer will need a power source to run; therefore, this disclosure reads on claimed external power source and power supply within the housing. The display of the memory shows the selected representative image that is to be printed on the printer, reading on claimed digital label; as disclosed at column 23, line 67, column 24, lines 1-3 and 21-26, and figure 37.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hamilton (US Patent Publication No. 2003/0132924) discloses e-paper labels on recordable/removable media with optical data link and optical power supply. Romano et al. (US Paten Pub. No. 2004/0169727) discloses a system and method for viewing and selecting images for printing. Kurono (Japanese Laid-Open Publication No. 01-305784) discloses a picture recording device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Storey whose telephone number is 571-270-3576. The examiner can normally be reached on Monday - Friday (Alternate Fridays off) 7:30-5 EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jefferey F. Harold can be reached on 571-272-7519. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William C Storey/  
Examiner, Art Unit 4115

William C Storey  
Examiner  
Art Unit 4115

/W. C. S./  
/Jefferey F Harold/  
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